

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

ANNA HILLIS
1513 Anderley Road
Grove City, Ohio 43123

Case No:

Plaintiffs,

Judge:

-vs-

MOUNT CARMEL GROVE CITY
5300 N. Meadows Drive
Grove City, Ohio 43123

JURY DEMAND
ENDORSED HEREON

and

MOUNT CARMEL HEALTH SYSTEM
c/o CT Corporation System, Statutory Agent
4400 Easton Commons Way, Suite 125
Columbus, Ohio 43219

and

TRINITY HEALTH CORPORATION
c/o CT Corporation System, Statutory Agent
4400 Easton Way, Suite 125
Columbus, Ohio 43219

and

JOHN DOE CORPORATIONS 1 – 10
Names and Addresses Unknown

and

JOHN DOE CONTRACTORS 1 - 10
Names and Addresses Unknown

and

JOHN DOE MANUFACTURERS 1 – 10
Names and Addresses Unknown

and

JOHN DOE EMPLOYEES 1 - 10

Names and Addresses Unknown

and

JOHN DOE 1 – 10

Names and Addresses Unknown

Defendants.

COMPLAINT
(Jury Demand Endorsed Hereon)

Now comes Plaintiff Anna Hillis and for her causes of action states as follows:

1. At all times relevant herein, Plaintiff Anna Hillis was a resident of Orient, Ohio, a village in Pickaway County, Ohio.
2. At all times relevant herein, Defendant Mount Carmel Grove City was a registered trade name for Mount Carmel Health System, a not-for-profit corporation incorporated under the laws of the State of Ohio, which employed physicians, nurses, administrators and other care for and treat individuals including Plaintiff Anna Hillis.
3. At all times relevant herein, Defendant Mount Carmel Health System was a not-for-profit corporation, incorporated under the laws of the State of Ohio, which employed physicians, nurses, administrators and other personnel to care for and treat patients, including Plaintiff Anna Hillis.
4. At all times relevant herein, Defendant Trinity Health Corporation was a foreign corporation, incorporated under the laws of the State of Indiana, which employed physicians, nurses, administrators and other personnel to care for and treat patients, including Plaintiff Anna Hillis.

5. Defendants Mount Carmel Health System and Mount Carmel Grove City are owned by or affiliated with Defendant Trinity Health Corporation and, for the purpose of this complaint, these Defendants will hereinafter be collectively referred to as Mount Carmel Grove City.

6. Defendants Mount Carmel Grove City, Mount Carmel Health System and/or Trinity Health Corporation were responsible for the hiring and contracting with John Doe Corporations 1-10, John Doe Contractors 1-10, John Doe Manufacturers 1-10 and/or John Doe 1-10 for the installation, maintenance and testing of the water systems in the newly constructed Mount Carmel Grove City hospital.

7. Defendants John Doe Corporations 1-10, John Doe Contractors 1-10, John Doe Manufacturers 1-10, John Doe Employees 1 – 10 and John Doe 1-10 are contractors, sub-contractors, construction companies, heating and cooling companies, water maintenance/treatment companies, inspectors and/or employees responsible for the building, installation, maintenance and testing of the water system and water filtration systems at Mount Carmel Grove City.

8. At all times relevant herein, employees and agents of all corporate Defendants and were within the scope of their express, implied, or apparent authority as employees and agents of the corporate Defendants.

9. The true names and capacities of John Doe Corporations 1-10, John Doe Contactors 1-10, John Doe Manufacturers 1-10, John Doe Employees 1-10 and John Doe 1-10 are unknown to Plaintiffs at this time and therefore Plaintiffs have accordingly sued these unknown Defendants under said fictitious names. When the true names of these Defendants have been ascertained, Plaintiffs will seek leave to amend their Complaint as necessary to reflect the identities of these Defendants.

10. Plaintiffs believe that the John Doe Defendants, collectively and individually, are legally responsible for the events and occurrences herein described, and that John Doe Defendants are responsible for the injuries and damages set forth in this Complaint.

JURISDICTION AND VENUE

11. Jurisdiction is conferred on this Court by R.C. 2305.01

12. Pursuant to Civ. R. 3(B)(1), (2), (3), (6) and (7) of the Ohio Rules of Civil Procedure, venue is proper in Franklin County, Ohio because Defendants reside in Franklin County, Ohio, have their principle place of business in Franklin County, Ohio, conduct activity that gave rise to the claims for relief in Franklin County, Ohio and because the claims for relief arose in Franklin County, Ohio.

SERVICE OF PROCESS

13. Service of process is permitted on Defendants pursuant to Civ. R. 4.2(A) and (F).

COMMON FACTUAL ALLEGATIONS

14. Mount Carmel Grove City hospital is a newly constructed hospital that fully opened to the public in April 2019.

15. On or about May 14, 2019 through May 16, 2019 Plaintiff Anna Hillis was a visitor to Mount Carmel Grove City, to see a relative, who was an inpatient at Mount Carmel Grove City, on the 6th floor of the hospital. While visiting her relative, Plaintiff Anna Hillis would often sit below the air conditioning vent.

16. On or before May 25, 2019, Plaintiff Anna Hillis began to experience abdominal pain, as well as other various signs and symptoms of malaise.

17. With no improvement in her symptoms, on or about June 1, 2019 Plaintiff Anna Hillis went to the Emergency Department at Mount Carmel Grove City hospital, where she was admitted for tests including labs, cultures and chest x-rays.

18. On June 4, 2019, bilateral lung sputum cultures, which had been obtained upon admission, confirmed Legionella pneumonia.

19. Plaintiff Anna Hillis was admitted to Mount Carmel Grove City hospital for treatment for Legionnaire's Disease from June 1, 2019 until June 5, 2019.

20. Plaintiff Anna Hillis currently requires the use of supplemental oxygen therapy. Films obtained by a subsequent care provider on June 10, 2019, confirm findings in the lungs are still present.

21. It has been confirmed that legionella bacteria was present at the newly constructed Mount Carmel Grove City hospital during the time Plaintiff Anna Hillis had been a visitor to Mount Carmel Grove City hospital.

22. As a visitor to Defendant Mount Carmel Grove City hospital, Plaintiff Anna Hillis often sat near an air conditioning vent.

23. Plaintiff Anna Hillis, and others, acquired legionella bacteria as a direct and proximate result of his exposure to the water at Defendant Mount Carmel Grove City.

PLAINTIFFS' FIRST CAUSE OF ACTION
[Negligence – All Defendants]

24. Plaintiffs hereby incorporate the preceding paragraphs as if fully restated herein.

25. At all times relevant hereto, Defendants owed a duty to Plaintiff Anna Hillis and other patients and visitors at Defendant Mount Carmel Grove City to provide safe water for consuming, bathing, cooking, air conditioning and other uses.

26. Defendants breached said duties by permitting water to contain excessive levels of legionella.

27. As a direct and proximate result of the failures of Defendants Plaintiff Anna Hillis suffered physical pain, mental anguish, required medical care and treatment and incurred medical and other related expenses.

PLAINTIFFS' SECOND CAUSE OF ACTION
[Premise Liability – All Defendants]

28. Plaintiffs hereby incorporate the preceding paragraphs as if fully restated herein.

29. At all times relevant hereto, Plaintiff Anna Hillis was a business invitee of Defendants.

30. The water and/or water supply system at Defendant Mount Carmel Grove City caused persons on the premise to contract Legionnaires Disease, and further, that the Defendants had not taken adequate steps to ensure that there was no legionella pneumophila bacteria in the water and water supply system. Further, Defendants did not adequately address the safety of the water supply.

31. Defendants knew that business invitees, such as Plaintiff Anna Hillis, would be exposed to the water supply at Defendant Mount Carmel Grove City and that such invitees could be injured as a result of the unsafe water supply.

32. Defendants had a common law duty and contractual duty to make reasonable inspections and testing prior to Defendant Mount Carmel Grove City opening its doors to the public to discover hazardous conditions, to remedy foreseeable hazards and to take all other reasonable steps necessary to protect persons such as Plaintiff Anna Hillis from such conditions, and to exercise reasonable care for his safety and protection.

33. Further, Defendants knew that patients at Defendant Mount Carmel Grove City were particularly vulnerable to infections from legionella pneumophila bacteria due to their medical conditions which brought them to Defendant Mount Carmel Grove City in the first place.

34. As a result of their negligent and/or reckless acts and omissions, Defendants breached their duty to Plaintiff Anna Hillis, and all business invitees, to discover hazardous conditions, remedy foreseeable hazards, and protect Plaintiff Anna Hillis from injury.

35. As a direct and proximate result of the failure of Defendants to discharge their duties of care owed to Anna Hillis, Plaintiff Anna Hillis contracted Legionnaires disease and suffered physical pain, mental anguish required medical care and treatment and incurred medical and other related expenses.

36. As a direct and proximate result of the negligent and/or reckless acts and/or omissions of Defendants, Plaintiff Anna Hillis suffered damages and incurred medical and other related expenses.

DEMAND

WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly and severally, for compensatory, consequential, incidental, special, future and medical damages in an amount greater than Twenty-Five Thousand dollars (\$25,000.00) together with attorney fees, costs herein expended and any other relief that this Court deems just and proper.

Respectfully submitted,

/s/David I. Shroyer

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JURY DEMAND

Plaintiffs, by and through counsel, hereby demand that the within matter be tried by a jury of eight (8).

/s/ David I. Shroyer

David I. Shroyer (0024099)